

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CANDIE HAILEY MEANS,

Plaintiff,

v.

CITY OF NEW YORK, ET AL.,

Defendants.

17-CV-5374 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

IT IS HEREBY ORDERED that:

1. In light of the fact that defendants produced certain videos subsequent to the filing of plaintiff's motion for sanctions, that motion (ECF No. 90) is dismissed as moot without prejudice to its renewal following the defendants' provision of the following information.
2. By no later than May 1:
  - Defendants shall provide a copy of the wall-mounted video of the April 8, 2014 incident to the Court;
  - In regard to the handheld video of the April 8, 2014 incident, defendants shall:
    - (i) document the chain of custody from the taking of the handheld video to the present to the extent they are able;
    - (ii) identify any prior efforts by defendants to locate the handheld video;
    - (iii) direct the RMSC IT unit to conduct a further search of any archived computer servers and any electronic or other cloud-based storage material to attempt to locate the handheld video;
    - (iv) direct Robert Smalls, or a similarly situated individual in the archives post at the Rose M. Singer Center, to conduct a further search of any archived material to attempt to locate the handheld video; and
    - (v) if defendants locate the video, they should provide it to plaintiff and the Court expeditiously;
  - Defendants shall update the Court on whether they have recovered videos from the February 8, 2015 and May 21, 2014 incidents and have produced any such videos to plaintiff; and
  - Defendants shall provide the video(s) of the March 26, 2013 incident to plaintiff and the Court.
3. Plaintiff may renew its motion for sanctions after May 1 by supplementing its current submissions (ECF Nos. 90, 97, 140, 143) to account for the new information provided by defendants and by articulating how any allegedly spoliated evidence

would have been favorable to plaintiff's claims in this action against any of the individually named defendants.

4. Because additional evidence may be brought to light as a consequence of this Order, the Court dismisses defendants' motion for summary judgement (ECF No. 98) without prejudice and subject to its renewal after May 1.

Dated: New York, New York

March 31, 2022

SO ORDERED:



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Sidney H. Stein, U.S.D.J.

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